

Message Text

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INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 DHA-02 VO-03 SCA-01

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SSO-00 INRE-00 SS-15 NSC-05 NSCE-00 AF-08 ARA-06

NEA-10 H-02 /102 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 1501

AMEMBASSY LONDON IMMEDIATE

INFO AMEMBASSY BANGKOK

AMEMBASSY JAKARTA

AMEMBASSY KUALA LUMPUR

AMEMBASSY MANILA

AMEMBASSY RANGOON

AMEMBASSY SINGAPORE

AMEMBASSY TAIPEI

AMEMBASSY TOKYO

AMCONSUL HONG KONG

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 6058

E.O. 11652: GDS

TAGS: SREF

SUBJECT: INDOCHINESE REFUGEES: BOAT CASES MV AVA

REF: (A) LONDON 11697; (B) HONG KONG 8818; (C) MANILA 11097

1. BRITISH AMBASSADOR BOTTOMLEY THIS MORNING NOTIFIED UNHCR SADRUDDIN AGA KHAN OF MINISTERIAL DECISION REPORTED REF A TO PERMIT AVA REFUGEES TO LAND HONG KONG. BOTTOMLEY LEFT AIDE MEMOIRE WITH SADRUDDIN EXPRESSING U.K'S WISH THAT PROBLEM BE "INTERNATIONALIZED" AND THAT HONG KONG NOT BECOME DUMPING GROUND FOR INDOCHINESE REFUGEES IN FUTURE BECAUSE OF THIS DECISION. IN CALL TO MISSION, BRITISH MISOFF UNDERSCORED, AS BOTTOMLEY HAD
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REPORTED TO SADRUDDIN, THAT DECISION IN GREAT PART

DUE TO PROMISES OF ASSISTANCE MADE BY U.S. AND UNHCR. BOTTOMLEY ALSO VOICED U.K.'S UNDERSTANDING THAT UNHCR WOULD "TAKE OVER OPERATION" FROM THIS POINT.

2. BOTTOMLEY SUBSEQUENTLY MET WITH CHARGE D'AFFAIRES, HUMANITARIAN AFFAIRS COORDINATOR WILSON AND HUMANITARIAN AFFAIRS COUNSELOR TO ADVISE MISSION OF U.K.'S DECISION AND HIS MEETING WITH SADRUDDIN. HE PROVIDED COPY OF DRAFT UNHCR APPEAL TO SELECTED MEMBERS OF EXECUTIVE COMMITTEE AND OTHER POSSIBLE RECEIVING STATES, WHICH QUOTED BELOW, NOTING THAT IT MIGHT BE SUBJECT TO SOME MODIFICATIONS BEFORE ISSUANCE. THRUST OF BOTTOMLEY'S PRESENTATION WAS EXPRESSION OF BRITISH HOME FOR "BURDEN SHARING" OF THIS PROBLEM. HE EXPRESSED BRITISH DESIRE TO MEET SOON WITH U.S. AND OTHER CONCERNED NATIONS TO RESOLVE HOW ACTIVITIES MIGHT BE BEST COORDINATED TO CONFRONT SITUATION. WILSON EMPHASIZED THE PROBLEM WAS CONTINUING AND INCREASING ONE, WHICH CONCERNED SEVERAL AFFECTED COUNTRIES IN AREA, IN ADDITION TO HONG KONG.

3. IN SEPARATE MEETINGS TODAY, SADRUDDIN ALSO TOLD ABOVE U.S. OFFICERS OF HIS SATISFACTION OVER U.K. DECISION, STATING HIS OFFICE TAKING PROMPT MEASURES TO ASSUME ITS RESPONSIBILITIES. SPECIFICALLY, HE HAS INSTRUCTED UNHCR REP IN KUALA LUMPUR (SAMPATKUMA), TO LEAVE IMMEDIATELY FOR HONG KONG TO TAKE CHARGE OF CARE AND MAINTENANCE OF AVA REFUGEES.

4. TEXT OF DRAFT APPEAL WITH COVERING LETTER FOLLOWS. MISSION WILL TRANSMIT ANY CHANGES TO FINAL APPEAL AS THEY OCCUR. SADRUDDIN STATED APPEAL WOULD BE ADDRESSED TO APPROXIMATELY 30 POSSIBLE RECEIVING STATES, EXCLUDING SOME ON EXECUTIVE COMMITTEE SUCH AS PRC, BUT INCLUDING OTHER POSSIBILITIES OUTSIDE COMMITTEE, SUCH AS NEW ZEALAND.
QUOTE.

SIR.
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I HAVE THE HONOUR TO REFER TO AN EXCHANGE OF VIEWS WHICH TOOK PLACE RECENTLY WITH THE REPRESENTATIVES IN GENEVA OF STATES MEMBERS OF THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME. THIS CONCERNED THE PROBLEM OF REFUGEES OR DISPLACED PERSONS WHO, HAVING DRIFTED SOMETIMES FOR WEEKS ON THE HIGH SEAS, OR HAVING BEEN RESCUED ON THE HIGH SEAS DURING THEIR JOURNEY, ARE IN URGENT NEED OF TEMPORARY ASYLUM AND SUBSEQUENT RESETTLEMENT

OPPORTUNITIES. THIS APPLIES PARTICULARLY TO THE SOUTH EAST ASIAN AREA.

ENCOURAGED BY THE INITIAL RESPONSE OF SOME REPRESENTATIVES, MY OFFICE HAS DEVISED A CONCRETE PLAN OF ACTION WHICH AIMS AT ACHIEVING THE QUICK AND EFFECTIVE SOLUTION WHICH THE CIRCUMSTANCES REQUIRE. I ATTACH FOR YOUR CONSIDERATION A NOTE SETTING OUT THE PROBLEM IN DETAIL, TOGETHER WITH THE PROPOSED PLAN OF ACTION.

I SHOULD BE GRATEFUL IF YOUR GOVERNMENT WOULD GIVE URGENT CONSIDERATION TO MY PROPOSALS. I VERY MUCH HOPE THAT IT WILL BE POSSIBLE FOR YOUR GOVERNMENT, IN ACCORDANCE WITH ITS TRADITIONS OF ACTIVE COOPERATION IN HUMANITARIAN ENTERPRISES, TO GIVE AN EARLY POSITIVE INDICATION OF ITS WILLINGNESS TO PARTICIPATE IN THE PROPOSED SCHEME FOR ADMISSION OF PEOPLE RESCUED ON THE HIGH SEAS.

ACCEPT, SIR, THE ASSURANCES OF MY HIGHEST CONSIDRATION.

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

NOTE ON REFUGEES OR DISPLACED PERSONS ON THE HIGH SEAS

1. FOLLOWING THE EVENTS IN THE INDO-CHINESE PENINSULA IN THE SPRING OF 1975 AND IN SUBSEQUENT MONTHS, A TOTAL OF OVER 250,000 PERSONS LEFT FOR OTHER COUNTRIES. LARGE NUMBERS WENT DIRECTLY TO THE UNITED STATES OF AMERICA (APPROXIMATELY 139,000) AND THAILAND (OVER 97,000), WHILE MUCH SMALLER NUMBERS ARRIVED IN OTHER COUNTRIES OF FIRST ASYLUM, MAINLY IN SOUTH EAST ASIA.

2. CONSIDERABLE EFFORTS HAVE BEEN MADE BY GOVERNMENTS, UNHCR AND OTHER INTERGOVERNMENTAL ORGANIZATIONS, AS WELL AS NON-GOVERNMENTAL ORGANIZATIONS, TO RESETTLE DISPLACED PERSONS IN COUNTRIES
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OF DURABLE ASYLUM, AND TO FACILITATE THEIR LOCAL INTEGRATION IN COUNTRIES OF FIRST ASYLUM. A LIMITED NUMBER OF DISPLACED PERSONS HAS BEEN ABLE TO REPATRIATE. AT PRESENT, IT IS ESTIMATED THAT DURABLE SOLUTIONS HAVE BEEN FOUND FOR APPROXIMATELY 175,000 PERSONS, WHILE SOLUTIONS THROUGH RESETTLEMENT OR OTHERWISE ARE STILL NEEDED FOR SOME 75,000 PERSONS, OF WHOM THE GREAT MAJORITY ARE IN THAILAND.

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 6058

3. WHILE THE MASSIVE ARRIVAL OF DISPLACED PERSONS FROM INDO-CHINA IN COUNTRIES OF FIRST ASYLUM OCCURRED IN THE SPRING AND SUMMER OF 1975, SMALLER NUMBERS HAVE CONTINUED TO ARRIVE SUBSEQUENTLY. THE PRESENT NOTE DEALS SPECIFICALLY WITH THOSE PERSONS WHO LEAVE THEIR COUNTRY OF ORIGIN IN THE INDO-CHINESE PENINSULA IN SMALL BOATS. IN SEVERAL CASES, THESE SMALL CARFT, ALTHOUGH NOT ALWAYS SEAWORTHY, HAVE MANAGED TO ARRIVE IN A FOREIGN PORT IN SOUTH EAST ASIA. IN OTHER CASES, THE DISPLACED PERSONS HAVE BEEN RESCUED AT SEA, IN ACCORDANCE WITH ARTICLE ELEVEN OF THE BRUSSELS CONVENTION OF 1910 FOR THE UNIFICATION OF CERTAIN RULES OF LAW RELATING TO ASSISTANCE AND SALVAGE AT SEA, AND BROUGHT TO THE SHIP'S FIRST PORT OF CALL.

4. HOWEVER, THE PROBLEMS OF THESE PERSONS DO NOT END WHEN
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THEY REACH LAND. ALTHOUGH THEY HAVE OFTEN BEEN GRANTED TEMPORARY

ASYLUM AT THE REQUEST OF UNHCR, THERE HAVE ALSO BEEN INSTANCES WHERE THEY HAVE ONLY BEEN ALLOWED TO DISEMBARK IF RESETTLEMENT OPPORTUNITIES WERE IMMEDIATELY AVAILABLE. PERSONS WHO LEAVE ON THESE FRAGIL BOATS ARE SOMETIMES OBLIGED TO CONTINUE LIVING ON THEM EVEN WHEN SHORE IS IN SIGHT, UNTIL SOME COUNTRY DECIDES TO ADMIT THEM, EITHER TEMPORARILY OR FOR DURABLE SETTLEMENT. FREQUENTLY THERE ARE CHILDREN, SICK AND OLD PEOPLE ABOARD, WHO ARE IN THE DIREST NEED. IN OTHER CASES WHERE SUCH PERSONS HAVE BEEN RESCUED BY A PASSING SHIP, THE SHIP CONCERNED HAS HAD TO SAIL BEFORE PERMISSION COULD BE GRANTED FOR THEM TO DISEMBARK. IN SUCH CIRCUMSTANCES, A NEW APPLICATION FOR PERMISSION TO LAND HAS TO BE MADE TO THE AUTHORITIES AT THE NEXT PORT OF CALL.

5. THE HIGH COMMISSIONER BROUGHT THIS PROBLEM TO THE ATTENTION OF THE PERMANENT REPRESENTATIVES IN GENEVA OF STATES MEMBERS OF THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME AT A MEETING ON 25 JUNE 1976, WHEN HE EMPHASIZED THAT IT COULD BE SOLVED THROUGH THE COMBINED EFFORTS OF THE TRADITIONAL COUNTRIES OF IMMIGRATION AND OTHERS CAPABLE OF ABSORBING THESE DISPLACED PERSONS. IT WAS SUGGESTED THAT A NUMBER OF GOVERNMENTS MIGHT AGREE TO ADMIT, DURING A GIVEN PERIOD OF, SAY, ONE YEAR, A SMALL QUOTA OF REFUGEES OR DISPLACED PERSONS LEAVING THEIR COUNTRY OF ORIGIN BY SEA. THE HIGH COMMISSIONER REFERRED TO THE POSSIBILITY OF A SCHEME ON THE PATTERN OF THE "TEN OR MORE PLAN" IN WHICH MANY COUNTRIES PARTICIPATE IN ORDER TO FACILITATE THE RESETTLEMENT OF HANDICAPPED REFUGEES. IT WILL BE NOTED IN THIS RESPECT THAT THE TOTAL NUMBER OF DISPLACED PERSONS FROM THE INDO-CHINESE PENINSULA WHO ARRIVED IN VARIOUS SOUTH EAST ASIAN PORTS DURING THE FIRST SIX MONTHS OF 1976 IS ESTIMATED AT SOME 900, INCLUDING SOME 90 WHO WERE RESCUED ON THE HIGH SEAS FROM SINKING OR UNSEAWORTHY VESSELS.

6. THE SUGGESTION MADE BY THE HIGH COMMISSIONER WAS WELCOMED BY A NUMBER OF REPRESENTATIVES. IF COUNTRIES CAPABLE OF ADMITTING SUCH PERSONS WOULD AGREE TO PARTICIPATE IN A JOINT INTERNATIONAL EFFORT TO TRY AND SOLVE THIS PROBLEM, THEIR GOVERNMENTS MIGHT BE WILLING TO CONSIDER AN ADMISSION QUOTA FOR THIS SPECIAL CATEGORY OF REFUGEES OR DISPLACED PERSONS.

7. ACCORDINGLY, THE FOLLOWING SCHEME IS NOW PROPOSED FOR CON-
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SIDERATION BY GOVERNMENTS:

(A) EACH GOVERNMENT PARTICIPATING IN THE SCHEME WOULD INFORM UNHCR OF ITS WILLINGNESS TO CONSIDER GRANTING AT SHORT NOTICE (ONE MONTH IF POSSIBLE) RESETTLEMENT VISAS TO A GIVEN NUMBER OF REFUGEES OR DISPLACED PERSONS ARRIVING AT PORT OF CALL EITHER ON THEIR OWN BOATS OR ON BOARD SHIPS OF VARIOUS NATIONALITIES WHICH HAVE RESCUED THEM DURING THEIR JOURNEY. THE PLAN WOULD RUN FOR AN INITIAL PERIOD FROM JULY 1976 TO JUNE 1977.

(B) UNHCR WOULD BE ABLE TO REQUEST THE GOVERNMENT OF THE COUNTRY OF THE FIRST PORT OF CALL TO GRANT TEMPORARY ASYLUM TO THE REFUGEES OR DISPLACED PERSONS, ON THE FOLLOWING BASIS:

(I) UNHCR WOULD GIVE REASONABLE ASSURANCES FOR THE EARLY DEPARTURE OF THE PERSONS CONCERNED FOR RESETTLEMENT TO ONE OR MORE OF THE COUNTRIES PARTICIPATING IN THE SCHEME;

(II) UNHCR WOULD ACCEPT RESPONSIBILITY, IF NEED BE, FOR THE CARE AND MAINTENANCE OF THESE PERSONS PRIOR TO THEIR RESETTLEMENT.

(C) UNHCR WOULD IMMEDIATELY INTERVIEW THE REFUGEES OR DISPLACED PERSONS AND PREPARE RESETTLEMENT FACT SHEETS OR DOSSIERS. HAVING ENSURED THE ELIGIBILITY UNDER THE SCHEME OF THE PERSONS CONCERNED, UNHCR WOULD PRESENT THEIR RESETTLEMENT DOSSIERS TO THE DIPLOMATIC OR CONSULAR REPRESENTATIVES OF THE COUNTRIES PARTICIPATING IN THE SCHEME.

(D) UPON NOTIFICATION BY THE CONSULAR OR DIPLOMATIC REPRESENTATIVES THAT A RESETTLEMENT VISA HAD BEEN GRANTED, UNHCR WOULD ARRANGE FOR TRANSPORTATION OF THE REFUGEE OR DISPLACED PERSON TO THE COUNTRY OF RESETTLEMENT. IT IS EXPECTED THAT, AS HERETOFORE, GOVERNMENTS OF COUNTRIES OF RESETTLEMENT WOULD BEAR THE COST WHENEVER POSSIBLE OF THIS TRANSPORTATION. IN OTHER CASES, UNHCR WOULD TRY TO OBTAIN THE NECESSARY FUNDS TO COVER TRANSPORTATION COSTS.

UNQUOTE ABRAMS

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